

CONNECTICUT SENTENCING COMMISSION

Research, Measurement & Evaluation Committee Meeting

Friday, November 4, 2011

3:00 p.m.

*Court Support Services Division (CSSD), 4th Floor
936 Silas Deane Highway
Wethersfield, CT*

Members In Attendance: Susan Pease (Co-Chair), William Carbone, Pete Gioia, Richard Sparaco (Representing Erika Tindill), Robert Farr, Mike Norko (Representing Patricia Rehmer), John Santa, Richard Sparaco (Representing Erika Tindill), Linda Frisman

Also Participating: Andrew Clark, Stephen Cox, Jason DePatie, Brian Hill, Damon Mitchell

MINUTES

I. MEETING CONVENED

Susan Pease called the meeting to order at approximately 3:00 p.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF JUNE 8, 2011

Upon a duly made and seconded motion, the minutes were **approved by a unanimous voice vote.**

III. PRELIMINARY REPORT ON THE EVALUATION OF CSSD'S SUPERVISED DIVERSIONARY PROGRAM (SDP) BY STEPHEN M. COX, Ph.D. & DAMON MITCHELL, Ph.D.

Stephen Cox presented the *Preliminary Report Evaluation of SDP*. A copy of this report and the coinciding PowerPoint presentation is available at:

<http://www.ct.gov/opm/cwp/view.asp?a=2967&Q=476520>.

John Santa asked how "mental illness" is defined in the SDP report. Damon Mitchell responded that mental illness is generally defined as a condition that is chronic and requires evaluation. John Santa asked whether all offenders are assessed for mental illness. Stephen Cox referred the committee to slide 13 of the PowerPoint and explained the requirements for SDP eligibility. John Santa commented that this program does not address compulsive addictive behavior. Stephen Cox explained that the idea for this program has its foundation in the firsthand experiences of police officers who repeatedly encounter individuals with mental illness committing minor offenses. Statewide criminal justice data confirms that individuals with mental illness recidivate into the criminal justice system at a high rate for minor offenses. The goal of SDP is to decrease the number of offenders with mental illness who cycle through the criminal justice system. Damon Mitchell explained that individuals who are eligible for this program are non-violent offenders. John Santa inquired as to why the program has not expanded to other types of crimes. Andrew Clark explained that the program's limited scope is because of the political climate in the aftermath of the Cheshire.

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Violence was very much a concern in the legislature and as a result certain types of offenses were excluded from the program.

Susan Pease asked about the role of supervising officers. Bill Carbone explained that supervising officers meet with probation officers twice a month in addition to the time allotted for the normal treatment program. Andrew Clark commented that the program was expanded to allow for two opportunities for participation. Bill Carbone explained that if an individual fails the program, it is treated by the court as a failed AR program. John Santa commented that Caucasians appear to be an overrepresented in this population. Linda Frisman explained that this is because minority groups face certain disadvantages and typically enter the criminal justice system in ways that make them ineligible for the program.

Stephen Cox explained that further investigation into what is going on in people's lives to prior to their arrest and involvement in SDP is needed. Bob Farr pointed out that we do not know how many people SDP is missing. There could be quite a few people who would be ideal candidates for this program, but are never considered. Linda Frisman agreed and pointed out that the evaluation needs to determine the point of entry for the program. Bob Farr commented that it is important to survey prosecutors, defense attorneys and judges to learn what they think of the program.

Linda Frisman urged the committee to consider court and community size when interpreting the PowerPoint. The committee suggested that a new slide of SDP participants' crimes should be added to the PowerPoint. Linda Frisman commented that there is a chance that some offenders go through community court and as a result do not have an opportunity to participate in this program. Utilizing a sample group may provide some insight into how the program operates.

Andrew Clark asked how the program is advertised. Bill Carbone explained that program education is provided to public defenders. Bob Farr reminded the committee that part of the thinking behind the program was to conserve resources. Andrew Clark asked who developed the design for the SDP program. Bill Carbone responded that it was developed by licensed providers such as the Department of Public Health. Linda Frisman pointed out that we are discussing a program model that goes beyond treatment policy.

Linda Frisman explained that one potential problem with this population is that these individuals may be noncompliant with their medication. In many cases, this is because doctors do not listen to people when they explain that they physically cannot tolerate the medication. Bob Farr added that one potential scenario is that people may stop taking their medication when they feel better. This is problematic because many times people only feel better because they were taking their medication. Linda Frisman commented most people with mentally illness in Connecticut have some sort of case management. Pete Gioia suggested it may be helpful to model elements of the program after insurance companies' outpatient follow-up procedures. Insurance companies have determined that it is more cost effective to have a nurse regularly call patients to remind them to take their medication than it is to pay for hospitalization. It was also noted that this program may shift costs from DMHAS to CSSD.

Andrew Clark asked whether program participants are discharged into further treatment. Bill Carbone suggested that it would be useful to work with DMHAS to determine how many people being released from the SDP program also receive DMHAS services. Linda Frisman identified HIPPA as a unique challenge to this aspect of the project. She explained that one way to gather this information while ensuring HIPPA compliance is for DMHAS to match personal identifiers to CSSD

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data and then remove all personal identifiers. Pete Gioia commented that smooth interagency cooperation is important for this program to be successfully evaluated. One problem Stephen Cox identified in SDP is that the language in the enabling legislation provides for the dismissal of a single charge upon successful completion of the program. If a person has multiple charges the SDP would provide for only one charge to be dismissed.

Susan Pease suggested that the committee monitor SDP and provide recommendations regarding program enhancement. Mike Norko agreed and explained refining the treatment program adds value. Bill Carbone suggested looking at the pre-trial history of this population with the reasoning that it would also be helpful to know why people withdrew their applications. Linda Frisman suggested that the committee examine the impact of the program on the net incarceration days. A comparison group could be used for this part of the study. Key questions could be: What types of offenses were excluded from the program? What is the length of the program? What are the program's success rates? As a whole, the committee indicated a desire to explore the racial composition of this program. Susan Pease asked for a motion to support the continued evaluation of SDP. The motion was seconded and **approved by a unanimous voice vote**. She asked for committee members to e-mail her with specific questions for continued research on this topic. These questions will be presented at the Full Commission meeting.

VI. OTHER BUSINESS

The next meeting of the Research, Measurement, and Evaluations Subcommittee will be held 3:00 p.m. Friday, November 30, 2011 at CSSD.

V. MEETING ADJOURNED

Meeting adjourned at approximately 5:00 p.m.